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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DELL INC. and DELL PRODUCTS L.P.,

Plaintiffs,

v.

HITACHI, LTD., *et al.*,

Defendants.

Master File No. 3:07-cv-05944-SC

MDL No. 1917

Individual Case No. 3:13-cv-02171-SC

**DECLARATION OF MATTHEW D.
KENT IN SUPPORT OF DELL INC.
AND DELL PRODUCTS, L.P.'s
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL**

1 I, **MATTHEW D. KENT**, declare as follows:

2 1. I am a Senior Associate with the law firm of Alston & Bird LLP, counsel for Plaintiffs
3 Dell Inc. and Dell Products L.P. (collectively, "Dell") in the above-captioned action currently pending
4 in the U.S. District Court for the Northern District of California. I submit this declaration in support of
5 Dell's Administrative Motion to File Documents Under Seal, related to Plaintiffs' Motion to Partially
6 Exclude Certain Opinions and Testimony of Designated Expert Daniel L. Rubinfeld (the "Rubinfeld
7 Motion"). I have personal knowledge of the facts stated herein, and I could and would competently
8 testify thereto if called as a witness.

9 2. I am a member in good standing of the State Bar of Georgia and am admitted to practice
10 before the U.S. District Court for the Northern District of Georgia. I have also been admitted to this
11 Court *pro hac vice* as counsel for Dell pursuant to the Court's Pretrial Order No. 1 in the MDL
12 Proceeding.

13 3. Pursuant to Civil Local Rules 7-11 and 79-5, and in accordance with this Court's
14 General Order No. 62, effective May 10, 2010, Dell, by and through its counsel, respectfully request an
15 Order permitting it to file under seal portions of the Rubinfeld Motion and Exhibits A, C, and D to the
16 Declaration of Debra D. Bernstein in Support of the Rubinfeld Motion ("Bernstein Declaration").

17 4. **Exhibit A** to the Bernstein Declaration is a copy of the August 5, 2014, Expert Report
18 of Daniel L. Rubinfeld ("Rubinfeld Report"), designated by Defendants as "Confidential" or "Highly
19 Confidential" under a Protective Order.

20 5. **Exhibit C** to the Bernstein Declaration is a copy of the August 5, 2014, Expert Report
21 of Dennis Carleton ("Carleton Report"), designated by Defendants as "Confidential" or "Highly
22 Confidential" under a Protective Order.

23 6. **Exhibit D** to the Bernstein Declaration are true and correct copies of portions of the
24 Transcript of the September 8, 2014, Deposition of Daniel L. Rubinfeld, designated by Defendants as
25 "Confidential" or "Highly Confidential" under a Protective Order.

26 7. The Rubinfeld Motion refers to or contains excerpts from the above Exhibits.

27 8. Accordingly, Dell requests that the documents identified herein (or relevant portion
28 thereof) be filed under seal.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on December 5, 2014, in Atlanta, Georgia.

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5 By: /s/ Matthew D. Kent
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